

73054

**Bowie, Maria**

DEPT OF TRANSPORTATION

To: delluna@pacbell.net / 24  
 Subject: RE: (Docket OST-99-6578) RI N 2195-AC49

007F723 P11L:48

In addition to forwarding your comments to Congressman **Bilbray** I'll also send them to the Congressional Liaison Office, Department of Transportation for their information and ask that they be included as part of the public record, if in fact, public comments are being solicited as part of this meeting.

Maria **Bowie**

Congressman Brian P. **Bilbray**  
 1011 Camino del Rio South, #330  
 San Diego, CA 92108  
 (619) 291-1430  
 maria.bowie@mail.house.gov

-----Original Message-----

**From:** Jim & Pam [mailto:delluna@pacbell.net]  
**Sent:** Thursday, January 27, 2000 6:13 PM  
**To:** **Bowie, Maria**  
**Cc:** Jim & Pam  
**Subject:** (Docket OST-99-6578) FUN 2 195-AC49

Hi Maria,  
 Thank you for your quick response.  
 I am going to include the **attatchment** you could not open in **email** form in this **email**.  
 You may let Congressman **Bilbry** know its contents.  
 Please let me know how to get my comments entered into the Docket; as per last **email** as follows:

**FROM:**  
 James M. **Felland**  
 4925 34th. Street  
 San Deigo, Ca. 92116-1819  
 USA  
 Home Phone 619-280-8586  
 E-mail: delluna@pacbell.net  
 Fax: 775-305-3547

Tuesday, January 25, 2000

Congressman Mr. Brian **Bilbray**  
 1011 Camino del Rio South  
 Suite 330  
 San Diego, Ca.  
 USA  
 619-291-8956  
 brian.bilbray@mail.house.gov

Congressman Brian **Bilbray**,

The DOT's Transportation Safety Institute is holding public listening sessions for input from the public. I am not going to be able to personally attend, but I am trying to get my comments written into their docket. If you know how I can get my comments entered into their docket please let me know. I have e-mailed

01/27/2000

**Marti Bludworth** but have not received a response as yet. Please view my comments to TSI. It is only two minutes long.  
I feel, you as my congressman, should be trying to repeal these the unconstitutional laws.  
Thank you again for your time and help!  
The best of luck in your next upcoming election, I will definitely be voting for YOU!

Sincerely,

**James M. Felland**

The following are my comments I want entered into the Docket.

**James M. Felland**  
**4925 34th. Street**  
**San Deigo, Ca. 92116-1819**  
**USA**  
**Home Phone 619-280-8586**

Tuesday, January 25, 2000

Department of Transportation  
(NPRM) Contractor **Marti Bludworth**  
Transportation Safety Institute ( TSI )  
Special Programs Division, DTI-100  
**4400 Will Rogers Parkway, Suite 205**  
**Oklahoma City, Oklahoma 73108-2057**  
**1-800-862-4832 X-323**  
**Fax: 405-946-4268**  
**Email: marti\_bludworth@tsi.jccbi.gov**  
(Docket OST-99-6578) RIN 2195-AC49

Dear Contractor **Marti Bludworth**,

I am an individual speaking in a personal capacity.  
I will not be able to personally attend your public forum listening sessions (NPRM).  
I would like to have my comments on the issue of "the unconstitutionality of the DOT's drug and alcohol testing procedures" to be placed into the (NPRM) docket and be available for the public to review.

#### THE UNCONSTITUTIONALITY OF THE DOT's DRUG AND ALCOHOL TESTING PROCEDURES

I feel the DOT's testing procedures are unconstitutional.  
Even though they are upheld by the Laws, Courts and Judges they are no more constitutional than was slavery or not allowing women the right to vote. These testing procedures should be eliminated.  
For a real life example let me submit this: on Sept. 24th., 1999 at the end of my work shift at 7:30 Am., I feel I had my constitutional rights violated.  
I was forced to participate, at my work's clinic, in your random drug test program against my will.  
The termination of my job, if I refused, was used to force me to participate.  
I tested negative. I was clean and free of any violations.  
I feel this is an infringement on my constitutional rights. I was forced to give up my constitutional rights against:  
. invasion of privacy

- unreasonable searches and seizures
- giving up of potential evidence against myself. ( a possible "false positive" )

This punishing of innocent U.S. citizen employees for the alleged possible guilty acts of other employees should stop.

This enforcement of a mandated unconstitutional government law, by business' such as my place of work, should be eliminated.

I feel the U.S. government is getting around the " due process " and " innocent until proven guilty " rights of citizens, by mandating and forcing business' to pressure, force, harass, discriminate, *coherse*, and subject their employees to these unconstitutional testing procedures.

The safety issue must be addressed in a different way without violating our precious Constitution of the U.S.A.

One possible remedy: if you feel an employee is guilty of an offense, have that employee arrested and taken to court where justice can be meted out for or against the defendant or the plaintiff.

I feel I should be expressing the above stated views to the Federal Government, TSI and the DOT to have these unconstitutional laws repealed.

nbsp; Sincerely,

James M.

Felland

BRIAN P. BILBRAY  
49TH DISTRICT, CALIFORNIA

COMMERCE COMMITTEE

SUBCOMMITTEE ON  
HEALTH AND ENVIRONMENT

SUBCOMMITTEE ON  
FINANCE AND HAZARDOUS  
MATERIALS

SUBCOMMITTEE ON  
OVERSIGHT AND  
INVESTIGATIONS



2/10

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**  
February 3, 2000

WASHINGTON OFFICE:

1530 LONGWORTH HOUSE OFFICE BLDG  
WASHINGTON, DC 20515  
(202) 225-2040  
FAX (202) 225-2948

DISTRICT OFFICE,

1011 CAMINO DEL RIO SOUTH  
SUITE 330  
SAN DIEGO, CA 92108  
(619) 291-1430  
FAX (619) 291-8956

INTERNET:

E-mail:  
brian.bilbray@mail.house.gov

World Wide Web:  
<http://www.house.gov/bilbray/>

Ms. Regina Sullivan  
Director, Office of Congressional Affairs  
U.S. Department of Transportation  
Room 10406 (I-1 0)  
400 Seventh Street, S.W.  
Washington, DC 20590

Dear Ms. Sullivan:

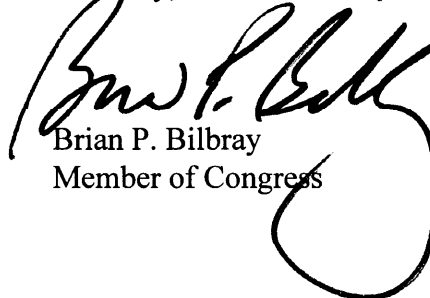
Recently, my office was contacted by one of our constituents. I have enclosed his letter for your reference.

Mr. Felland is unable to attend the Department of Transportation Safety Institute's public listening sessions, and has sent his comments directly to Ms. Marti Bludworth, Special Programs Division. However, he has contacted our office to ensure that his comments regarding random drug testing be entered into the docket. My office assured him that if, in fact, public comments have been solicited and recorded as part of these meetings, his comments will be included.

I have assured that the proper personnel will review his concerns and take the appropriate action as warranted. Should you have further questions, please contact Maria Bowie of my staff, at (619) 291-1460.

Again, thank you for your attention.

Sincerely,



Brian P. Bilbray  
Member of Congress

BPB:mb  
enclosures